

#### Welcome to RIHSAC 96

Dilip Sinha, Secretary, RIHSAC

10 June 2014



#### ORR European update

Oliver Stewart

10 June 2014

#### European elections

- Changes to parliament
- New President of the Commission, Commissioner for Transport and chair and members of Transport and Tourism Committee
- Likely to be in position by the Autumn



#### Fourth Railway Package

- Opening passenger railways market to new entrants and services from December 2019
- Making rail more competitive with other transport modes
- Simplifying the processes for running cross border services
- Package consists of technical, market and political pillars
- General approach' on the technical pillar agreed on 10 October 2013



#### Single safety certificate

- Currently a Railway Undertaking requires a Part A and a Part B safety certificate to run services
- The content of a single certificate will be broadly the same as an existing Part A and B
- Intended to remove barriers/ facilitate market opening
- ORR representing the UK government at the EC task force to put in place requirements for SSC
- Working assumption of being ready in 3 years



#### Fourth Railway Package – Safety Directive

- Applicant declares 'area of operation'
- ERA delivers safety certificate if area of operation covers more than one member state
- ERA consult all relevant NSAs to assess compliance with national rules
- If operation is in one Member State only, the applicant can choose ERA or the NSA



#### Fourth Railway Package – Interoperability Directive

- Applicant declares 'area of use'
- ERA delivers authorisation to place on the market if area of use covers more than one member state
- RU checks compatibility with national rules for area of use
- If operation is in one Member State only, the applicant can choose ERA or the NSA



#### Fourth Railway Package – next steps

- Trilogue Commission, MS, Parliament
- ORR working with other NSAs on future cooperation arrangements with ERA
- Discussion now focused on the 'market' and 'political' pillars



# Revision of CSM for Conformity Assessment and CSM for Supervision

- > EC mandate to revise CSMs
- Lack of harmonisation between NSAs
- Safety culture/ SMS not sufficiently embedded in Europe
- > More detail about what is expected from CA and supervision
- > Avoid anything too detailed or prescriptive
- Shouldn't mean a major change to the criteria themselves, but the evidence a duty holder will need to give
- Evidence ORR expect is in our guidance. This will be reviewed as necessary



#### Entities in Charge of Maintenance

- Certification of ECMs for freight wagons introduced in 2011
- > ORR issued 9 ECM certificates
- Beneficial to RU
- Possible extension to cover passenger all vehicles





Rail Accident Investigation Branch

#### ORR Railway Industry Health and Safety Advisory Committee Tuesday 10 June 2014

## Landslips affecting Network Rail infrastructure June 2012-Feb 2013

RAIB Report 08/2014 published April 2014 Chris Ford Principal Inspector





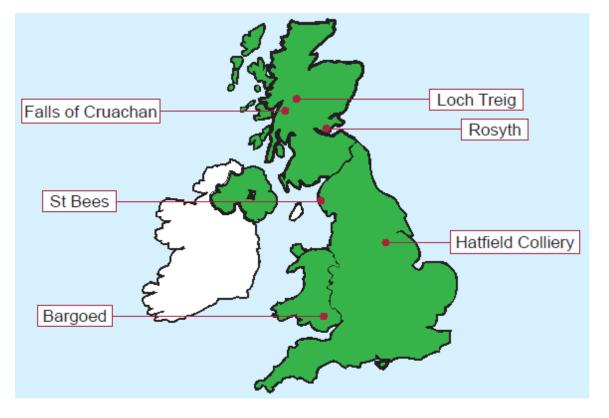
six accidents

two themes

- effects on railway from neighbouring land
- responses to unusual weather conditions



## The accidents

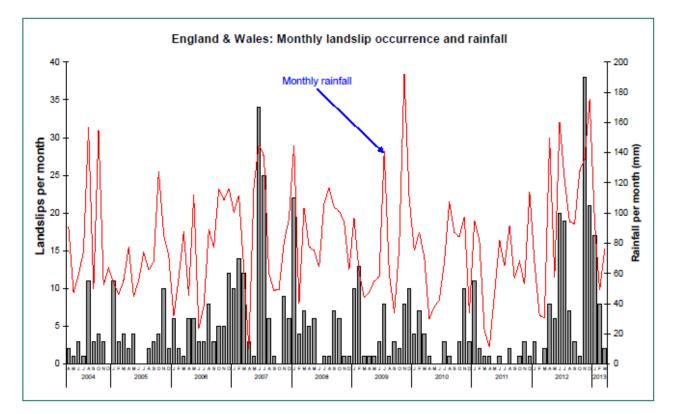




- Loch Treig (near Tulloch/Fort William) 28 June 2012
- Falls of Cruachan (on the line to Oban) 18 July 2012
- Rosyth (near Edinburgh)18 July 2012
- St Bees (Cumbria) 30 August 2012;
- Bargoed (South Wales) on 30 January 2013; and
- Hatfield Colliery (South Yorkshire) on 11 February 2013.

# Difficulty of predicting landslips (1)

• water adversely affects slope stability but rainfall/water accumulation cannot be predicted with accuracy



• existing drainage arrangements below modern design standards .....and not always reliable

# Difficulty of predicting landslips (2)



- natural weathering processes
  - weaken ground, increasing likelihood of instability
- land use changes in surrounding area affect timing/amount of water reaching the railway
- vegetation changes with time influencing
  - water accumulation in ground
  - soil strength (roots can strengthen ground)
- many railway cuttings and embankments steeper slopes than modern slopes

...accurate prediction not possible, hence risk based management ...sometimes little/no indication of possible instability ...sometimes impractical for railway to recognise risk

# Managing Network Rail earthworks



Identify earthworks (cuttings and embankments) Examination (collects factual data) Simple condition rating Serviceable Ten year interval Marginal Five year interval Poor One year interval **Evaluation** (technical review) Special monitoring and/or

Repair work

# **Previous RAIB investigations**



Previous recommendations, targeted primarily at <u>within</u> the railway boundary, cover:

- effective examination process
  - Moy, Hooley cutting, Management of existing earthworks, Gillingham, Falls of Cruachan (June 2010 accident), Dryclough Junction.
- effective management of earthworks
  - Moy, Oubeck North, Hooley cutting, recommendations, Management of existing earthworks, Gillingham, Falls of Cruachan (2010)
- effective drainage
  - Moy, Oubeck North, Gillingham
- adverse weather response
  - Management of existing earthworks

# Landslips investigation



#### Key issues (illustrated with examples)

- Management of risk from neighbouring land:
  - factors which examiners cannot see from within the boundary
  - neighbours land management strategy (incl. incompatibility between practice and NR's standard for reviewing this)
  - changes between examinations
  - opportunities to use new technology
- Operational controls:
  - <u>where</u> should mitigation be applied
    - likelihood of instability
    - consequence
  - <u>what</u> mitigation should be taken

Taking account of improvements introduced by Network Rail since December 2012 (ORR improvement notice)

• <u>when</u> to mitigate (heavy rainfall will/may/is occurring)

# Legal position (simpilfied)



- Neighbours have duties relating to
  - landslips depositing debris on (or undermining) railway land
  - ineffective drainage or inappropriate water discharge causing landslips on neighbouring
- H&SAW covers <u>only</u> work activities
- Civil law complex, neighbours duties can depend on:
  - what is reasonable (can consider financial circumstances of parties)
  - whether resulting from a neighbours action or a natural process
  - whether English or Scottish law
- NR must take reasonable steps to mange risk from neighbouring land ...but this does not mean a requirement to recognise <u>all</u> risks
- RAIB experience is that NR sometimes take a pragmatic approach to achieving desired outcomes





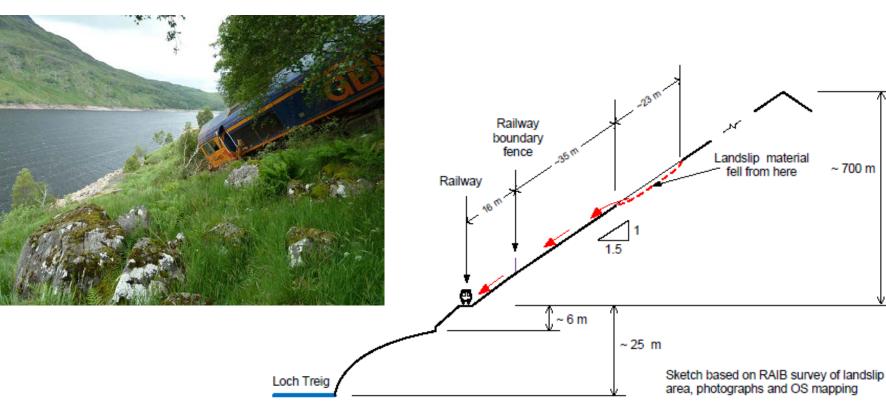
Landslip Landslip debris slid over natural hillside Rescue locomotive Boundary fence Derailed locomotive

#### Loch Treig (cont'd)

landslip area not visible from railway



- land management & general landslip risk visible from railway
- high consequence location
- trigger probably localised heavy rainfall
- no operational mitigation (heavy rainfall forecast, site not on at-risk list)



### Bargoed January 2013

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#### Barged (cont'd)



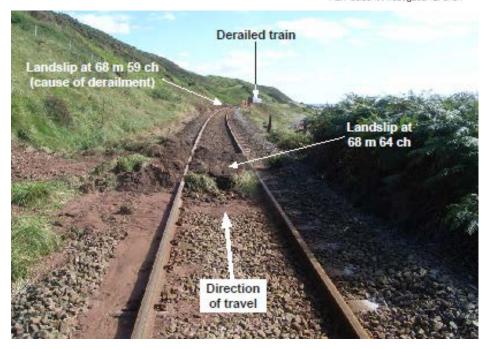
- land management & general landslip (water flow) risk visible from railway
- ground saturated (five day rainfall 1 in 7 year return period)
- no operational mitigation (forecast one day rainfall not sufficient to trigger this)
- site not on at-risk list despite adjacent slip in July 2012 (marginal, Nov 2011 exam)
- first train of day



### St Bees August 2012







- four earthwork failures within ~ 3 km
- high consequence location



#### St Bees (cont'd)

- land management & general landslip risk visible from railway
- high consequence location
- site not on at-risk (serviceable, 2005 exam)
- 1 in 57 year return period storm previous night ground
- no operational mitigation (heavy rain not forecast)
- severe local non-railway disruption
- first train of day

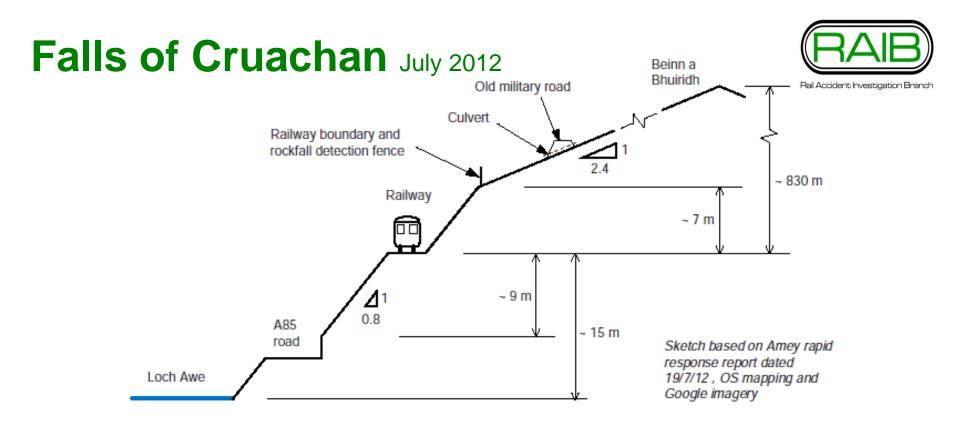


### Hatfield colliery February 2013



- tip mainly constructed since last examination in 2009 (four years before movement)
- slow ground movement, trains stopped 'safely'
- NR geotechnical staff unaware, no consideration of risk
- if risk considered, NR could have concluded reasonable to rely on colliery management process (Aberfan & subsequent legislation)





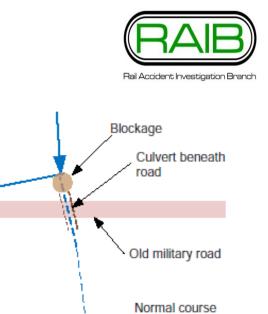


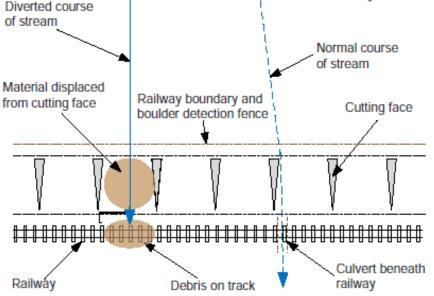


#### Falls of Cruachan (cont'd)

- culvert not visible from railway
- landowner unaware of culvert (so not maintaining it), in SSSI
- trigger for blocking culvert uncertain (rainfall not unusual)
- high consequence location
- was mitigation practical (ALARP) for July 2012 event?







Sketch based on Amey rapid

response report dated 19/7/12

### Rosyth July 2012





#### Rosyth (cont'd)



- little evidence of potential slope instability (serviceable, 2004/05 exam)
- no operational mitigation (heavy rain forecast & occurred, site not on at-risk list)
- trigger was exceptional runoff from gently sloping adjacent waste land
- was mitigation practical (ALARP) for July 2012 event?



## Key recommendations



- Improvements to managing neighbouring land
  - obtain info not visible from railway (not seen by examiners)
  - using modern technology (incl use of aerial images, IT, real time rain sensors)
  - identify neighbours actions between examinations
- Obtain information about unusual rain/flooding from emergency services, other transport operators, all rail staff, rain sensors
- Prompt updating of list of areas where operational mitigation should be applied during heavy rainfall
- Don't automatically apply only new landslip risk mitigation procedure in very extreme conditions (new NR operational mitigation process negated need for major recs in this area)
- Correct anomaly which means NR do not always consider some safety critical information provided by examiners

# Lessons from Gatwick

Robert Gifford Passenger Focus/London TravelWatch

# It's not completely the same!

• Significantly higher numbers of people

• External forces – planes from overseas

• Far more luggage to deal with

• Two terminals

# But it could be the same

• Impact of weather

• Airport operator and different airlines

• Gold, silver and bronze command structures

• Public and media interest

# What happened?

• Overnight high winds and heavy rain

• Flooding took out key equipment

• Flights cancelled

• Luggage and passengers separated

# Two subsequent inquiries

• Transport Select Committee

 Macmillan report commissioned by Gatwick Airport

• Government response awaited

# **Transport Committee Report**

• Poor and inconsistent provision of information

• Lack of clarity over who was in charge

• Lack of basic facilities

• Confusion over expenses to claim for

# McMillan Report

- Identified flood risk fluvial and pluvial!
- Need for effective communication between operational stakeholders
- A "can-do" mentality
- Crisis Management Manual: Detect, Assess, Plan, Act, Review

# What Lessons?

• Passenger Champions/Captains

• The role of the police

• Contingency planning essential

• Public address systems/information flows

# And for the railways?

- Network Rail responsibility for the assets
- Downstream effects of disruption
- Key terminals (Euston April 26 I was there)
- Passenger Advisory Groups
- Getting people home



Association of Train Operating Companies

# Looking After Customers When it All Goes Wrong

Operations, Engineering and Major Projects.

- Any issues causing Customers' Concern is important
- Open to learn from events elsewhere and good practices from any source
- On a journey to think customer for the 30 years I've been in Rail, and still on that journey
- Can we learn? Yes!



- Reviewed
  - Transport Select Committee Report HC956
  - McMillan Report to GAL
  - The problem statement from John
  - Where we are internally
- Our current guidance over 13 documents



- Where could it all go wrong?
  - Train between stations
  - At stations
- Of the two the former more challenging
- The latter probably easier to manage than airport but still need to learn



Reference	Applies to Trains	Applies to Stations	Comments
TSC: Airport plan not agreed with airlines	Y	Y	Contingency plans for both situations and agreed between TOCS,
TSC: Contingency plan fails to deal with circumstances	Y	Y	Some worst case scenarios are really challenging particularly on train – no plan can deal with everything
TSC: Degree of flooding not forseen	Y	Y	Industry National Task Force has weather resilience and climate change programme (WRCCP)
TSC: Plans not tested	Y	Y	Always a challenge – how do you test on an operational railway?
TSC: No contingency plan to bring in toilets/refreshments	Y	N	Looking after passengers if stranded, guidance covers many issues including these. On stations facilities exist outside.
TSC: Provision of alternative PA	N	Partly	Will review with industry partners as part of this process
TSC: Contingency to move check in not tested	Ν	N	If station shut or no train service we redirect customers as we Are `walk on service'
TSC: Information screens down	Y	Y	Still a challenge but easier to manage on train than on station – will review guidance with industry partners

Reference	Applies to Trains	Applies to Stations	Comments
TSC: Customers couldn't check in	N	Ν	
TSC: Customers couldn't drop off baggage	Ν	Ν	
TSC: Loss of toilets	Y	Y	Problem on trains if power cut – recognised inpractical At stations – can use trains or nearby premises
TSC: Emergency planning meetings not minuted	N	Y	Personally surprised how they cannot have been, not about the situation every meeting should be noted in any business
TSC: Bussing between terminals not agreed with airlines	N	Y	Arrangements exist for pre-planned and emergency us of other TOCs trains via alternative stations
TSC: Focus on planes not customers	Y	Y	We are on a journey, discussion as recent as last week. All guidance based on think <u>customer</u> not train.



Reference	Applies to Trains	Applies to Stations	Comments
TSC: Develop protocols that trigger cancellation or postponement	Y	Y	Each TOC and NR Route have agreed process for making the decision
TSC: Airports to take lead in welfare provision	Y	Partly	Guidance for trains make this explicit specific. On stations – unlikely issue people will have specific needs that can't be met by environment nearby
TSC: Confusion over carriers accepting other's customers	Y	Y	Plans are agreed and used to ensure customers don't get penalised
TSC: Passengers poorly informed of their rights	Y	Y	Websites and printed material provide info. A review completed for National Task Force – buy in from all TOCs to our 40 recommendations for improved customer information
GAL: Review flood prevention	Y	Y	Part of reason for setting up Weather Resilience and Climate Change Steering Group. Will also pick up with industry partners
GAL: Backup power for critical systems	Y	Y	Trains: Loadshedding and staff presence Stations: Less critical but will pick up in review discussions

Reference	Applies to Trains	Applies to Stations	Comments
GAL: Move sensitive equipment from susceptible location	N	Y	This is a UK wide issue, , e.g. finance centres in the City. In part covered by WRCCP. Also part of Government and ORR dialogue with industry long-term. Pick up in review
GAL: Contingency plans received with airlines	Y	Y	Plans are agreed between TOCS and NR Routes
GAL: Contingency plans to be shared with airlines	Y	Y	They are shared
GAL: Definition of Gold, Silver and Bronze to airline	Y	Y	Railways use UK definitions
GAL: Passenger Champions	Y	Y	Already recommended in guidance is dealing with incidents



Some reasons why stations are less of a problem than airports

- It is suspension of the train service that causes the problem, not the inability to check in people/bags
- Trains will usually be operating from an alternative point (e.g. if Kings Cross shut, trains start Finsbury Park and/or passengers can be sent to St. Pancras/Euston
- Large stations are typically in city centres so customers have alternative options (whether for transport or food/drink/accommodation)



Some reasons why trains are potentially more of a problem than planes

- Low staff to customer ratio
- Train may not be accessible (if stranded on open running line)
- Many trains do not convey refreshments
- One stranded train can lead to another
- Tendency for self-evacuation (a stranded plane is generally self contained)



- Can we learn? Yes
  - Look at specifics for stations, with industry partners
  - Loss of power to CIS/PA a challenge

Need to continue to address soft issues so that

- Customers know we understand
- We can demonstrate we are in control hence reassure
- Customers know that we recognise annoyance, frustration, unease, and stress



Also a role for Government and Regulator to send right signals re longer term climate change

We have to show empathy, assurance and Responsiveness to all customers

We need to plan for expected - unexpected events handled well turn those involved in them into advocates





## ORR's Occupational Health Programme 2014-19: making it happen

John Gillespie, Occupational Health Programme Chair

RIHSAC June 2014



## Context

#### **National Context**

- Absenteeism : £320M per annum, if coupled with "presenteeism" £790M per annum,
  - A 10% cut in overall impaired health costs would realise a saving of £79M (RSSB, 2014)
- > ONS (2012) av Lost time rate 1.8%, rail is 3.9%
- > Last 4 years clearer and better understanding of the problem areas :
  - > HAVS, asbestos management, ballast dust and welding fumes
  - > Musculoskeletal disorders including manual handling,
  - Lack of data to target where to improve
  - > Lack of structure for delivering health risk management systems
- Cross government agenda on health and on engagement



#### CIRAS Risks Catastrophic, Health & Safety

#### mantra "health like safety"









#### Implementation of NR Health & Wellbeing Strategy







## **Final Determination**



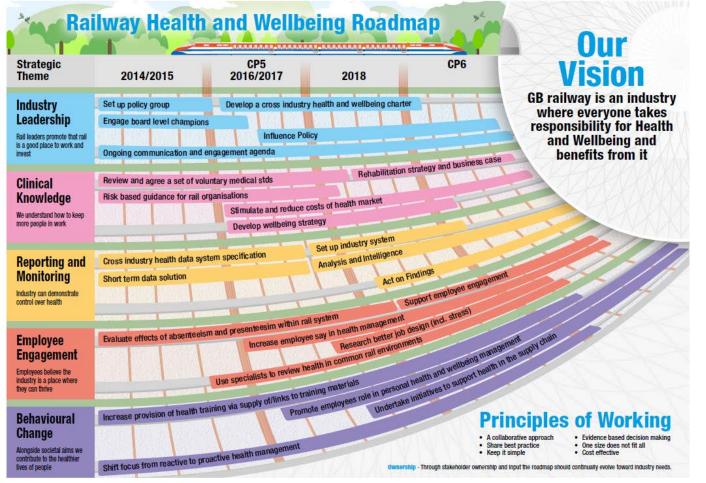
#### > Chapter 11 : headcount, absence and absence costs

#### Key messages in this chapter (continued)

- We are looking for Network Rail to improve its occupational health management and in doing so achieve £20m in cost savings in the final year of CP5, with a total saving of £55m in CP5.
- We expect Network Rail to improve its health and safety performance in CP5 and we will monitor its implementation of the strategies on safety and wellbeing and health and wellness.



## **RSSB** Industry Roadmap





#### ORR's health programme 2010-14 What are we looking to achieve? http://orr.gov.uk/what-and-how-we-regulate/health-andsafety/occupational-health



#### ORR HEALTH PROGRAMME 2010 TO 2014

To promote and deliver our vision of an industry that consistently achieves best practice in occupational health



**Director of Rall Safety** 

Our vision is an industry that **consistently** achieves best practice in occupational health

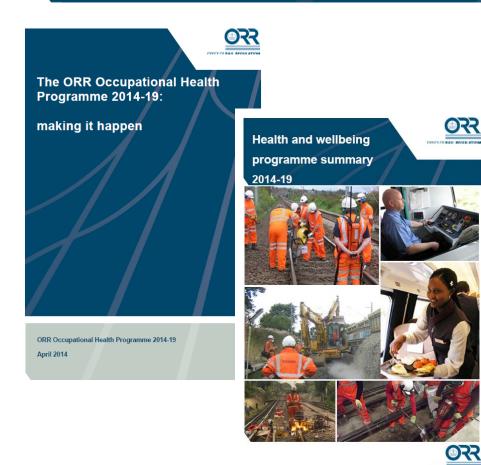
#### Our health programme aims to

- Change how health is led and managed by organisations in the rail industry
- Improve how health is regulated by ORR

Shift the balance – health like safety



## 2<sup>nd</sup> Programme published 28<sup>th</sup> April 2014



**Scope : Whole industry** 

Builds on the first programme

Key focus : securing legal compliance

"Assist and encourage" - Collaborative approach, including TU's

"Measure the capability of health management systems using RM3-H RC6"



#### **ORR** Programme : What success looks like

Excellence Engagement Efficiency Enabling What success looks like......a more proactive management approach A health risk management system that includes: Health policies and clear objectives - documented processes; Health risk management - risk assessments, surveys, reporting; Health assurance - data driven, audits, performance reviews; Health promotion & employee engagement e.g. health fairs, communications, training. Leadership and public commitment to ill-health reduction Meets legal compliance and striving for excellence Rail companies informed on the cost of work-related ill-health Credible, informed, engaged active service-provider - internal/external Collaboration and working together across industry including trade unions Raised awareness at managerial/supervisory level and active role for line managers Pride and communicating to others what works!



## Pages 10 & 11 - priorities

- > Proactively managing health risks
- > Implemented health policy
- > Sign up as partners to the **Responsibility Deal**
- > Drive innovation in health risk management
- > Pursue the activities of the RSSB Industry Roadmap
- > Pursue early intervention on trauma and musculoskeletal disorders
- > Improve the use of **good health data**, develop trend & comparators



## Pages 10 & 11 - priorities

- > Work openly with **trade unions**
- > Share good practice on what works...ORR website
- > Support employees to be more **physically active**
- > Participate in events/initiatives on "engagement"
- > Be aware of costs, "at least as good as comparators"
- > Raise awareness and **competence on health risk assessment**
- Raise the standard of passenger experience and satisfaction on perceptions of health risks and cleanliness



#### 4 E's : Excellence

#### We will:

Encourage: development of health policy, sign up to DoH Responsibility Deal

Carry out targeted inspections

Liaise with Route Directors, DU's

Carry out RM3 evaluation of management of key health risks

Pursue our stress strategy

Inclusion of health mandatory investigations : Occ Asthma +

Matters of evident concern in RGD 2010-10

#### Stakeholders will:

- Demonstrate excellence in health risk management as measured by RM3-health
- > Develop policies, action plans, etc.
- Engage with trade unions on health risks and costs
- Support employees to be more physically active



#### 4 E's : Engagement

#### We will:

Implement H&S Communication Strategy

Promote engagement events

Develop the OH webpages on health

Publish the Industry Brief, quarterly & a regular e-bulletin

Health conferences, including the Safety Reps events

Provide input into BDWG, HAVS groups

Collaborate: HSE; Heritage Community on asbestos management; NEBOSH on health training; ARIOPS 66

#### Stakeholders will:

- Consider how to improve employee engagement, how this contributes to better risk management and report on this in their CSRP policies and public reporting
- Take ownership of Industry Road-map and make it happen
- Engage with trade unions on health risks and costs
- Work collaboratively: on data; on addressing common health risks

OFFICE OF RAIL REGULATION

## 4 E's : Efficiency

#### We will:

Develop reporting metrics in the NR Licence and published Annual Return

**Develop indicators** 

Monitor progress with PR13 and develop approach for PR18

Bench-mark and compare cost data

Consider/promote the Health and Work Assessment and Advisory Service on its inception

#### Stakeholders will:

- Demonstrate awareness of the costs on ill-health and develop metrics to inform targeting of health interventions
- Adopt good practice by early intervention e.g. physiotherapy and for trauma
- Participate in RSSB Health
  Economics PWG



#### 4 E's : Enabling

#### We will:

Publish RIDDOR + data on the National Rail Trends data portal

Publish an updated position paper

Brief Inspectors on RM3-health and EMM applied to health

Develop legal & compliance framework

Support inclusion of passenger health concerns in franchising/QuEST

Publish headline results of Passenger Focus survey & Develop internal comms on health concerns on passengers

#### Stakeholders will:

- Provide improved health information and assistance to managers
- Participate fully in the repeat baseline survey in 2014



## Currently on-going :: planning and talks

- Repeat of the Industry Position Paper and survey
- Publication of the quarterly Industry Brief
- Publication of the Accent Report feedback last 4 years
- Publication of updated data on National Rail Trends Portal
- Follow up of previous inspection / investigation issues
- Some planned inspection activity
- > Development of case studies for website





## Questions

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